### MAINE STATE LEGISLATURE

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### STATE OF MAINE 118TH LEGISLATURE

## FIRST REGULAR SESSION AND FIRST SPECIAL SESSION

# BILL SUMMARIES JOINT STANDING COMMITTEE ON JUDICIARY

**JULY 1997** 

MEMBERS: Sen. Susan W. Longley, Chair Sen. Lloyd P. LaFountain III Sen. John W. Benoit

Staff: Margaret J. Reinsch, Principal Analyst Lisa C. Copenhaver, Legislative Analyst Thomas Eyman, Legislative Analyst

Office of Policy and Legal Analysis Room 101/107/135, 13 State House Station Augusta, ME 04333 (207)287-1670 Rep. Richard H. Thompson, Chair Rep. Elizabeth Watson Rep. David Etnier Rep. Joseph M. Jabar, Sr. Rep. Richard H. Mailhot Rep. Judith A. Powers Rep. Debra D. Plowman Rep. David R. Madore Rep. Richard A. Nass Rep. G. Paul Waterhouse



## Maine State Legislature OFFICE OF POLICY AND LEGAL ANALYSIS

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#### ONE HUNDRED EIGHTEENTH LEGISLATURE FIRST REGULAR AND FIRST SPECIAL SESSIONS

### Summary Of Legislation Before The Joint Standing Committees August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, <u>History and Final Disposition of Legislative Documents</u>, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER	Bill carried over to Second Regular Session
CON RES XXX	
	House & Senate disagree; bill died
DIED IN CONCURRENCEOne	body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PAS	SSAGE Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE	
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
INDEF PP	Bill Indefinitely Postponed
ONTP	Bill imposing local mandate failed to get 2/3 voteBill Indefinitely PostponedOught Not To Pass report accepted
OTP ND	
<i>OTP ND/NT</i>	
<i>P&amp;S XXX</i>	Chapter # of enacted Private & Special Law
PUBLIC XXX	
RESOLVE XXX	
UNSIGNED	Bill held by Governor
	Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

After the Judiciary Committee reported out the bill, the House and Senate recommitted the bill to the Joint Standing Committee on Appropriations and Financial Affairs. This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

**Committee Amendment "A" (S-286)** (Majority Report) proposed to increase judicial salaries, but at a lower rate than proposed in the bill. It also proposed to revise the retirement benefits to include a "blended cap."

LD 1064

An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties

 Sponsor(s)
 Committee Report
 Amendments Adopted

 MILLS
 ONTP

LD 1064 proposed to require that reasonable notice be given to a defendant when a person starts a protection from abuse or harassment proceeding while other litigation is pending between the parties as governed by the Maine Rules of Civil Procedure, Rule 65(a).

LD 1081

An Act to Clarify the Adoption Laws

**ONTP** 

**ONTP** 

Sponsor(s)Committee ReportAmendments AdoptedMITCHELL JONTP

LD 1081 proposed to prohibit an unmarried biological parent from adopting his or her minor child. This change in law will avoid the situation presented in Department of Human Services v. Sabattus, 683 A.2d 170 (Me. 1996), in which an unmarried mother adopted her biological child and the biological father was found to have lost the rights of a parent but not the responsibilities.

LD 1088

An Act to Clarify the Interpretation of Property Descriptions

ONTP

Sponsor(s)Committee ReportAmendments AdoptedBIGLONTP

LD 1088 proposed to provide, with two exceptions, that numerical distances set forth in a deed description of property boundaries govern over nonnumerical directions. The bill proposed to enact law contrary to that set forth in <u>Taylor v. Hanson</u>, 541 A.2d 155 (Me. 1988) and <u>Snyder v. Haagen</u>, 679 A.2d 510 (Me. 1996).